IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.1920 of 2007

Kapildev G. Singh — Applicant
Vs.
The State of Maharashtra — Respondent

Mr.P.R.Pandey for applicant.
Mr.D.P.Adsulte, APP for State.

CORAM: B.H.MARLAPALLE, J.

July 5, 2007.

P.C.

. In this application filed by one of the accused it has been prayed for setting aside the charge framed for an offence punishable under Section 307 of IPC by the Sessions Court. It has been contended that there is no prima facie evidence to proceed against the applicant on the basis of the charge framed.

. If during the trial of the Sessions case, the learned Addl. Sessions Judge comes to the conclusion that the evidence on record does not implicate the applicant-accused obviously the trial may result in his acquittal but in any case at this stage there is no case made out to entertain the request for being discharged from the charge already framed. It is

well settled that the charge is framed on the basis of the prima facie evidence and during the trial the veracity of the evidence adduced by the prosecution will be decided.

. Hence this petition does not deserve to be entertained at this stage and the same is hereby rejected summarily.

(B.H.MARL